CF0000060580

IN THE HIGH COURT OF MADHYA PRADESH JUDICATURE AT JABALPUR

Bilaspur Bench (Chamber)

CRIMINAL APPEAL NO. 1039 /1996.

APPELLANT : Shiv Kumar Dewangan,
S/o Saheblal Dewangan,
Aged 28 years, R/o village
Pandariya, P.S.Pandariya,
District Bilaspur (M.P.).

-Vs.-

RESPONDENT : State of Madhya Pradesh
through Police Station Pandariya,
District Bilaspur (M.P.)

CRIMINAL APPEAL UNDER SECTION 374 OF CODE OF CRIMINAL PROCEDURE.

(22)

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 1039 of 1996

Appellant : Shiv Kumar Dewangan, S/o Saheblal Dewangan, Aged 28 years, R/o village Pandariya, P.S. Pandariya, District Bilaspur (M.P.) (now C.G.)

Versus

Respondent : State of Madhya Pradesh, through Police Station Pandariya, District Bilaspur (M.P.) (now C.G.)

No one appears for the appellant when the matter is called out.
Shri Neeraj K. Mehta, P.L. appears for the State.

ORAL ORDER
(Passed on 12.3.2007)

The following oral order of the Court was passed by Sunil Kumar Sinha, J.

Record perused.

2. The appellant was convicted on 25th April 1996 under Section 376 (2) (g), 366 I.P.C. and 3 (1) (xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the Act) and was sentenced to undergo rigorous imprisonment for 10 years and fine of Rs.2000/- and in default of fine to further undergo six months imprisonment under Section 376 (2) (g) I.P.C., to undergo rigorous imprisonment for five years and fine of Rs.2000/- and in default of fine to further undergo six months imprisonment under Section 366 I.P.C. and to undergo rigorous imprisonment for one year and fine of Rs.1000/- and in default of the

same to further undergo three months imprisonment under Section 3 (1) (xi) of the Act.

3. A perusal of record would show that the jail sentences imposed upon the appellant have not been suspended by this Court till now and the matter is not admitted so far meaning thereby that the appellant must have already undergone the entire substantive jail sentences imposed upon him and perhaps for the said reasons nobody is appearing for the appellant in this case to argue on admission and suspension of sentence.

4. Since nobody has caused appearance on behalf of the appellant and the entire period of substantive jail sentences imposed against the appellant appear to have been elapsed, this Court is left with no other option except to order for dismissal of this appeal.

5. This appeal is dismissed for want of prosecution.

6. In view of the above, I.A.No.4439 of 1996 for suspension of sentence and grant of bail also stands disposed of.

Sd/-
Sunil Kumar Sinha
Judge

Anjani